

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

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|-----------------------------------|---|--------------------------|
| IN RE: |) | |
| |) | |
| EASTERN LIVESTOCK CO., LLC, |) | Case No. 10-93904-BHL-11 |
| |) | |
| Debtor. |) | |
| <hr/> | | |
| JAMES A. KNAUER, CHAPTER 11 |) | |
| TRUSTEE OF EASTERN LIVESTOCK CO., |) | |
| LLC, |) | |
| |) | |
| Plaintiff, |) | Adv. Proc. No. 12-59050 |
| |) | |
| v. |) | |
| |) | |
| BILLINGSLEY AUCTION SALE, INC., |) | |
| |) | |
| Defendant. |) | |

TRUSTEE'S 30(b)(6) NOTICE OF DEPOSITION TO BILLINGSLEY AUCTION SALE, INC.

Please take notice that, pursuant to Fed. R. Civ. P. 30(b)(6) and Fed. R. Bankr. P. 7030, James A. Knauer, as the trustee of the bankruptcy estate of Eastern Livestock Co., LLC, by counsel, will take the deposition of Billingsley Auction Sale, Inc. beginning at 9:00 AM (CDT) on Wednesday, March 25, 2015 at the offices of Holland Ray Upchurch & Hillen, 322 W. Jefferson St., Tupelo, MS 38804-3936 before a court reporter authorized to administer oaths and continuing until completed. The deposition will be conducted in accordance with the July 3, 2012 *Order Establishing Deposition Protocols* (Main Case, ECF No. 1229). You are invited to appear and take part in such examination.

Definitions

1. "You", "your", and "Billingsley" means and refers to Billingsley Auction Sale, Inc. and includes all persons and organizations under your control, including but

not limited your parents, subsidiaries, affiliates, officers, directors, employees, attorneys, accountants, agents, and representatives of any kind.

2. “ELC” or “Eastern” means refers to Eastern Livestock Co., LLC, and includes its affiliates, members, officers, employees, attorneys, agents, accountants, and representatives of any kind.

3. “Transfers” shall mean the livestock purchases and sales and transactions that are the subject of the Complaint to (I) Avoid Preferential and Fraudulent Transfers and to Recover Property Pursuant to 11 U.S.C. §§ 547, 548 and 550; and (II) Disallow Claims Pursuant to 11 U.S.C. § 502 (d) filed in this action on July 27, 2012 (“Complaint”) and the First Amended Complaint to Avoid Fraudulent Transfers Pursuant to 11 U.S.C. § 548(a)(1)(A) filed in this action on April 7, 2014 (“First Amended Complaint”).

4. “E4 Cattle” means and refers to E4 Cattle Company, LLC and includes its affiliates, members, officers, employees, attorneys, agents, accountants, and representatives of any kind.

5. “Edens” means and refers to James Edward Edens, IV, his agents, attorneys, representatives, successors, or assigns.

6. “Cattle” means and refers to the approximate 252 head of cattle that are the subject of the Complaint and First Amended Complaint filed in the above-captioned adversary proceeding.

7. “Petition Date” means and refers to December 6, 2010, the date of the filing of an involuntary petition for relief against Eastern Livestock Co., LLC under Chapter 11 of

Title 11 of the United States Code as case number 10-93904-BHL in the United States Bankruptcy Court for the Southern District of Indiana, New Albany Division.

Subjects of Examination

Examination is requested on any and all knowledge possessed by or reasonably available to Billingsley Auction Sale, Inc. relating to the following matters:

1. Any agreement, oral or written, relating to or concerning any of the Cattle.
2. The purchase and sale of any of the Cattle to any person or entity.
3. Any payment that Billingsley made or received for any of the Cattle.
4. Billingsley's business dealings generally with ELC during 2009 and 2010.
5. Cattle purchases and sales between Eastern and Billingsley during the 90 days preceding the Petition Date.
6. Payments by Eastern to Billingsley during the 90 days preceding the Petition Date.
7. Billingsley's business dealings generally with E4 Cattle, or any related entity, during 2009 and 2010.
8. Billingsley's business dealings generally with Edens during 2009 and 2010.
9. Any conversations or communications that any representative of Billingsley had with any person or entity concerning payment for any of the Cattle.
10. Any conversations or communications that any representative of Billingsley had with any person or entity concerning any of the Cattle and/or Transfers.
11. All purchase orders, invoices, shipping records, trucking records, payment

records, or other records relating to any of the Cattle and/or Transfers.

12. Any and all information, documents, and communications relating to the Transfers.

13. Billingsley's retrieval, repossession, seizure, or reclamation of any of the Cattle in November 2010.

14. The factual bases for any and all defenses in this action.

15. All discovery responses, interrogatory answers and production responses by Billingsley.

16. All pleadings and Court filings in this action.

17. Any proof of claim or bond claim that you have filed or submitted that relates to the Cattle.

18. Any documents and subject matter within the scope of the Requests to Produce below.

Requests to Produce

Pursuant to Fed. R. Bankr. P. 7030 and Fed. R. Civ. P. 30(b)(2), Billingsley's representative is instructed to bring to the deposition the following documents¹ for inspection and copying:

¹ The term "documents" as used in this subpoena means the original or an identical and legible copy thereof, and all non-identical copies (whether different from the original by reason of notations made on such copies or otherwise), regardless of origin or location, of any writings or records of any type or description, however produced or reproduced, including but not limited to any papers or books, records, letters, photographs, videotapes, audiotapes, correspondence, communications, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, conferences, or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, advertisements, instructions, charges, manuals, brochures, publications, schedules price lists, client lists, journals, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing program library, data processing input and output,

REQUEST NO. 1: All documents, including but not limited to trucking records, invoices, payment records, contracts, and bookkeeping records, relating to the cattle that were the subject of the transactions described in **Exhibit A**.

REQUEST NO. 2: All documents relating to any transactions with ELC, including but not limited to purchase invoices, statements, and buyer's statement- recaps, between January 1, 2009, and the present.

REQUEST NO. 3: All documents relating to any payments you made to or received from ELC between January 1, 2009, and the present.

REQUEST NO. 4: All documents responsive to Trustee's Requests for Production served on Billingsley on January 10, 2014 to the extent not already produced.

KROGER, GARDIS & REGAS, LLP

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Trustee for the bankruptcy estate of Eastern
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electronic mail, microfilm, books of accounts, records and invoices reflecting business operations, all records kept by electronic, photographic or mechanical means, any notes or drafts relating to the foregoing, and all things similar to any of the foregoing, however denominated. The term refers to all documents in your control or possession or which have been in your control or possession at any time during the past five years and includes any documents located in your files at the facility at which you work.

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2015, a copy of the foregoing was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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I further certify that on March 16, 2015 a copy of the foregoing pleading was served via electronic mail transmission on the following:

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